



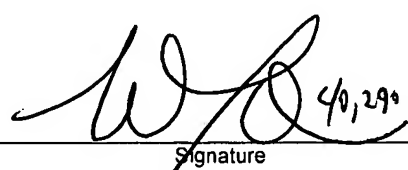
Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) SON-2967	
	Application Number 10/799,617-Conf. #8418	Filed March 15, 2004	
	First Named Inventor Koji Tsukimori		
	Art Unit 2111	Examiner F. M. Zaman	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant /inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>24,104 – 40,290</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</p> <p> Signature <u>Ronald P. Kananen – Christopher M. Tobin</u> Typed or printed name</p> <p><u>(202) 955-3750</u> Telephone number <u>May 30, 2008</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			




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Docket No.: SON-2967
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Koji Tsukimori et al.

Application No.: 10/799,617

Confirmation No.: 8418

Filed: March 15, 2004

Art Unit: 2111

For: EDITING SYSTEM

Examiner: F. M. Zaman

REQUEST FOR PRE-APPEAL BRIEF PANEL REVIEW OF REJECTION

MS AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is in full and timely response to the Office Action mailed on December 20, 2007.
Reexamination in light of the following remarks is respectfully requested.

Claims 9-36 are currently pending in this application, with claims 9, 16, 20, 23 and 32 being independent. *No new matter has been added.*

Rejection under 35 U.S.C. §101

While not conceding the propriety of this rejection and in order to advance the prosecution of the above identified application, claims 32-36 have been amended in the manner suggested within the Amendment After Final Action Under 37 C.F.R. §1.116.

The Advisory Action of April 10, 2008 indicates entry of the Amendment.

Withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. §103

Paragraph 4 indicates a rejection of claims 9-36 under 35 U.S.C. §103 as allegedly being unpatentable over U.S. Patent No. 6,675,215 to Cedola (Cedola) and the Description of the Related Art (AAPA).

This rejection is traversed at least for the following reasons.

Paragraph [0019] of U.S. Patent Application Publication No. 2004/0199708, the publication document for the above-identified application, provides that:

[0019] The *timing notice apparatus 4* has a timing generation unit 12, in which a synchronization information extraction circuit 13 is arranged. The synchronization information extraction circuit 13 of the timing generation unit 12 *receives a reference signal S1* provided from outside, and sequentially *extracts frame synchronization information stored in the reference signal S* under frame timing and concurrently *sends thus extracted frame synchronization information* to the USB controller 11 through the CPU 10 *as a timing notice signal S2* for the frame timing notice so as to input the timing notice signal S2 to an end point for USB interrupt transfer arranged in the USB controller 11.

Figure 1 of Cedola arguably shows a computer system 20 having a host computer 22 connected to a client computing device 24 via a serial connection 26 (Cedola at column 2, lines 58-60).

The Office Action appears to associate element 24 of Cedola with the computer found within the claims of the present application and appears to associate element 22 with the timing notice apparatus found within the claims of the present application (Office Action at page 3).

**** Here, the Office Action admits that Cedola fails to teach the presence of a timing generation unit being adapted to extract frame synchronization information from a reference signal (Office Action at page 3). ****

To account for this feature admittedly being deficient from within Cedola, the Office Action contends that AAPA teaches a timing generation unit being adapted to extract frame synchronization information from a reference signal (Office Action at page 3).

In response to this contention, the Description of the Related Art (AAPA) may be found within paragraphs [0004]-[0006] of U.S. Patent Application Publication No. 2004/0199708, the publication document for the above-identified application. Paragraph [0005] of U.S. Patent Application Publication No. 2004/0199708 provides that:

[0005] In the conventional editing system, in some cases, a personal computer is provided with a reference signal in which frame synchronization information is sequentially stored under timing indicative of temporal beginning of a temporally consecutive frame corresponding to a frame frequency of image data to be edited (referred to as frame timing, hereinafter) so as to edit the image data to be edited in synchronization with the frame timing generated by extracting the frame synchronization information from the reference signal.

In this regard, the Office Action appears to conclude that host computer 22 of Cedola and the personal computer of AAPA (AAPA at paragraph [0005]) are one in the same (Office Action at pages 3-4).

**** However, AAPA fails to teach the personal computer of AAPA as being capable of transmitting the frame synchronization information of AAPA to another device. ****

Cedola arguably teaches that according to this protocol, the client computing device 24 initiates a communication session by sending over a message consisting of the text string "C", "L",

"I", "E", "N", "T" and *the host computer 22 replies* with a message ""S", "E", "R", "V", "E", "R", "C", "L", "I", "E", "N", "T"" (Cedola at column 3, lines 38-40).

*** However, the Office Action fails to show why the skilled artisan would have considered the message ""S", "E", "R", "V", "E", "R", "C", "L", "I", "E", "N", "T"" from the host computer 22 of Cedola and frame synchronization information found within AAPA to have been one in the same. ***

Instead, the invention of Cedola concerns *a baud rate detection system and method for automatically detecting the baud rate at which a client computing device is communicating with a host computer over a serial connection* (Cedola at column 2, lines 16-19), whereas AAPA provides for a *personal computer* is provided with a reference signal in which frame synchronization information is sequentially stored under timing indicative of temporal beginning of a temporally consecutive frame corresponding to a frame frequency of image data to be edited (referred to as frame timing, hereinafter) so as to edit the image data to be edited in synchronization with the frame timing generated by extracting the frame synchronization information from the reference signal (AAPA at paragraph [0005]).

Moreover, Cedola fails to teach host computer 22 of Cedola as transmitting frame synchronization information upon receipt of the text string "C", "L", "I", "E", "N", "T" from the client computing device 24 of Cedola.

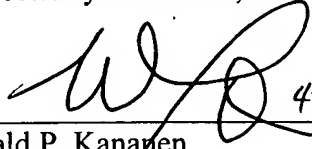
Additionally, the Office Action fails to show that the skilled artisan would have been motivated to refer to the frame synchronization information of AAPA as a suitable replacement for the message ""S", "E", "R", "V", "E", "R", "C", "L", "I", "E", "N", "T" from the host computer 22 of Cedola. See, for example, *In re Dillon*, 13 USPQ2d 1337, 1342 (Fed. Cir. 1989), and M.P.E.P. §2143.01, section "The Proposed Modification Cannot Change The Principle Of Operation Of A Reference."

Cedola and AAPA, either individually or as a whole, fail to disclose, teach, or suggest all features of the claims found within the present application.

Withdrawal of this rejection and allowance of the claims is respectfully requested.

Dated: March 30, 2008

Respectfully submitted,

By  40,290

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